

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATHANIEL WARD,

Petitioner,

Civil No. 2:21-CV-12773  
HONORABLE DENISE PAGE HOOD  
UNITED STATES DISTRICT JUDGE

v.

MATT MACAULEY,

Respondent,

\_\_\_\_\_ /

**SECOND ORDER COMPELLING PRODUCTION OF STATE COURT RECORD**

Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 3, 2021, the Court signed an order of responsive pleading requiring respondent to file an answer in accordance with Rule 5 of the habeas corpus rules by February 7, 2022. Respondent filed an answer to the petition on February 7, 2022. Respondent also filed some of the Rule 5 materials, but failed to file the trial transcripts. These materials are necessary for resolving petitioner's claims.

The habeas corpus rules require respondents to attach the relevant portions of the transcripts of the state court proceedings, if available, and the court may also order, on its own motion, or upon the petitioner's request, that further portions of the transcripts be furnished. *Griffin v. Rogers*, 308 F. 3d 647, 653 (6th Cir. 2002); Rules Governing § 2254 Cases, Rule 5, 28 U.S.C. foll. § 2254. "When this information is required, it is the State's responsibility to provide it." *Griffin*, 308 F. 3d at 654. The general rule is that a district court must review the entire state court trial transcript in federal habeas cases, and where substantial portions of that transcript were omitted

before the district court, the habeas case should be remanded to the District Court for consideration in light of the full record. See *Adams v. Holland*, 330 F. 3d 298, 406 (6th Cir. 2003). It is reversible error for a district court to fail to review the transcripts upon which a habeas petitioner's claims are dependent. See *Shaw v. Parker*, 27 F App'x. 448, 450 (6th Cir. 2001).

Based upon the foregoing, the court orders respondent to produce the trial transcripts in petitioner's case within **twenty one (21) days** of the date of this order or show cause why they are unable to comply with the order.

S/David. R. Grand  
HON. DAVID R. GRAND  
UNITED STATES MAGISTRATE JUDGE

Dated: 9/2/2022